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*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

*Counsel to Alfred H. Siegel, as Trustee of the
Circuit City Stores, Inc. Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
)
Debtors.) (Jointly Administered)
)

**MOTION FOR ORDER TO STRIKE CERTAIN OF CLAIMANT
ROY EISNER'S EXPERT DISCLOSURES PURSUANT TO RULE 37**

COMES NOW Alfred H. Siegel ("Trustee"), solely in capacity as Trustee of the Circuit City Stores, Inc. Liquidating Trust ("Trust") and not in any individual capacity, by counsel, and moves this Honorable Court for an Order pursuant to Rule 37 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") (made applicable to this matter pursuant to Rule 7037 of the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P.)) to strike certain expert disclosures of claimant Roy Eisner (general unsecured, non-priority claim no. 3025) on the grounds that such disclosures violate this Court's September 25, 2014 Scheduling Order and Fed. R. Civ. P. 26(a)(2)(B) and/or (C) because, as set forth in the accompanying Memorandum and declaration of Martin A. Krolewski, Esq. dated April 8, 2015, they were not provided in a timely fashion and/or do not provide a written report setting forth the basis for the opinion nor the facts or data relied upon to reach the opinion. Counsel hereby states pursuant to Local Bankruptcy Rule

7026-1(H) that a good-faith effort has been made between counsel to resolve the discovery matters at issue.

Dated: Richmond, Virginia
April 8, 2015

**ALFRED H. SIEGEL, SOLELY IN CAPACITY
AS TRUSTEE OF THE CIRCUIT CITY
STORES, INC. LIQUIDATING TRUST**

/s/ Lynn L. Tavenner

By: Counsel

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Counsel for Circuit City Stores, Inc. Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of April, 2015, a true and correct copy of the MOTION FOR ORDER TO STRIKE CERTAIN OF CLAIMANT ROY EISNER'S EXPERT DISCLOSURES PURSUANT TO RULE 7037 was served via electronic delivery through the Court's ECF system and/or first class mail, postage prepaid, to the following:

Marshall E. Kresman, Esq.
Law Offices of Marshall E. Kresman
1950 Street Road, Suite 103
The Constitution Building
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Kevin J. Funk, Esq.
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/s/Lynn L. Tavenner

By: Counsel
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